IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.359 OF 2004

Shyamlal H. Narang alias Pappu H.Narang & Anr. ... Petitioners

vs.

Shalini R. Narang & Others. .... Respondents.

Mr.B.G.Vaidya, for Petitioners.

None for Respondents.

CORAM: D.K.DESHMUKH,J.

DATED: 23rd August,2005

P.C.:-

1. By this petition, the petitioners challenge the Award made by the learned Arbitrator who was the named arbitrator. Perusal of the Award shows that the parties had agreed before the learned Arbitrator on following particular procedure before the learned Arbitrator. The findings recorded by the named Arbitrator are essentially the findings of the facts. A grievance was made before me that by the Award while allotting the parties their shares even the interest of third party has

been allotted. It does appear from the Award that there are some properties wherein third parties seem to have interest. But admittedly in the petition, there is no ground made out as to how that part of the Award causes prejudice to the interest of the petitioner. Taking overall view of the matter therefore, as the findings recorded in the Award are essentially the findings of fact, the Award cannot be disturbed in the extremely limited jurisdiction of this Court under Section 34 of the Arbitration and Conciliation Act,1996. The petition therefore, fails and is dismissed.